

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Aaron Olson,

Civil No. 13-1777 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

James Kambiri; Ramsey County; State of
Minnesota; Minnesota Attorney General
Lori Swanson; United States Department
of State; and U.S. Secretary of State, John Kerry,

Defendants.

This matter is before the Court upon Plaintiff Aaron Olson's objection (Doc. No. 60) to Magistrate Judge Leo I. Brisbois's April 21, 2014 Report and Recommendation (Doc. No. 57) insofar as it recommends that (1) the State of Minnesota and Minnesota Attorney General Lori Swanson's (together, the "State Defendants") Motion to Dismiss be granted and that Plaintiff's claims against the State of Minnesota and Minnesota Attorney General Lori Swanson be dismissed with prejudice; and (2) Ramsey County and James Kambiri's (together, the "County Defendants") Motion to Dismiss be granted such that: (a) Plaintiff's federal claims against James Kambiri pursuant to 42 U.S.C. § 1983 and the Americans with Disabilities Act ("ADA") be dismissed with prejudice; and (b) Plaintiff's state law claims for infliction of emotional distress against Ramsey County and James Kambiri be dismissed without prejudice. The State and County Defendants both filed responses to Plaintiff's objections on May 30, 2014. (Doc. Nos. 65, 66.) Plaintiff filed a reply thereafter. (Doc. No. 73.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objection. Having carefully reviewed the record, the Court concludes that Plaintiff's objection offers no basis for departure from the Report and Recommendation.

Plaintiff appears to generally object to the Magistrate Judge's recommendation that his claims against the State and County Defendants be dismissed. (*See generally* Doc. Nos. 60, 73.) The undersigned agrees with the Magistrate Judge's determination that Plaintiff's Complaint fails to state a valid claim against either the State or County Defendants. (*See* Doc. No. 57 at 8-18.) Even taking into consideration the additional allegations contained within Plaintiff's proposed Third Amended Complaint, the Third Amended Complaint would still not survive a motion to dismiss for the reasons stated in the Report and Recommendation. (*See id.* at 18-22.) The Court thus concludes, as did Magistrate Judge Brisbois, that Plaintiff has failed to assert a plausible claim against the State and County Defendants. Consequently, the Court dismisses the claims asserted against them.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Aaron Olson's objection (Doc. No. [60]) to Magistrate Judge Leo I. Brisbois's April 21, 2014 Report and Recommendation is **OVERRULED**.

2. Magistrate Judge Leo I. Brisbois's April 21, 2014 Report and Recommendation (Doc. No. [57]) is **ADOPTED**.

3. State Defendants' Motion to Dismiss (Doc. No. [11]) is **GRANTED**. Plaintiff's claims against the State of Minnesota and Minnesota Attorney General Lori Swanson are **DISMISSED WITH PREJUDICE**.

4. County Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment (Doc. No. [16]) is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. Plaintiff's federal claims against James Kambiri pursuant to 42 U.S.C. § 1983 and the ADA are **DISMISSED WITH PREJUDICE**.

b. Plaintiff's state law claims for infliction of emotional distress against Ramsey County and James Kambiri are **DISMISSED WITHOUT PREJUDICE**.

c. To the extent County Defendants seek summary judgment, the motion is **DENIED AS MOOT**.

Dated: June 18, 2014

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge